

**OFFICIAL FILE**  
**ILLINOIS COMMERCE COMMISSION**  
STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION

**ORIGINAL**

NEUSTAR, INC.

In its role as North American Numbering  
Plan Administrator

Petition for Approval of Numbering Plan Area  
Relief Planning for the 815 Area Code

Docket No. 00-0475

RESPONSE OF ILLINOIS BELL TELEPHONE COMPANY, SOUTHWESTERN  
BELL MOBILE SYSTEMS, INC., D/B/A CELLULAR ONE CHICAGO AND  
NEXTLINK ILLINOIS, INC. D/B/A XO COMMUNICATIONS TO GOVERNMENT  
AND CONSUMER INTERVENORS MOTION TO OBTAIN ACCESS TO  
TELEPHONE NUMBER UTILIZATION DATA

Now come Illinois Bell Telephone Company, Southwestern Bell Mobile  
Systems, Inc., d/b/a Cellular One-Chicago, and NEXTLINK Illinois, Inc. d/b/a XO  
Communications ("Joint Respondents") by their respective attorneys and make  
the following joint response to the Motion of Government and Consumer  
Intervenors ("GCI") to obtain access to telephone number utilization data. Joint  
Respondents respectfully state as follows:

1. GCI's motion requests that the Commission Staff be directed to  
provide GCI with copies of the telephone number utilization and number forecast  
reports for the 815 NPA (and any backup NPA created in this docket) that are  
filed with the North American Numbering Plan Administrator ("NANPA") by  
wireline and wireless carriers pursuant to the FCC's Numbering Resource  
Optimization ("NRO") Order.<sup>1</sup> Pursuant to the FCC's Order, Commission Staff

<sup>1</sup> The FCC's Numbering Resource Optimization Order requires all service providers that have received telephone numbers from the North American Numbering Plan Administrator ("NANPA"), the Number Pooling Administrator or another telecommunications carrier to file bi-annual reports with the NANPA on August 1<sup>st</sup> and February 1<sup>st</sup> of each year. The reporting entity is required to report its utilization of telephone numbers by thousand block for five separate categories of use.

may receive copies of these reports.<sup>2</sup> GCI seeks not only the initial reports filed by service providers on September 15, 2000, but also all future reports that are required to be filed on February 1<sup>st</sup> and August 1<sup>st</sup> of each year.

2. In addition, GCI requests the Commission to direct its Staff to obtain from the NANPA and the Number Pooling Administrator information regarding carrier applications for NXX codes and thousand blocks and to turn that information over to GCI.

3. GCI states that it needs the information requested to investigate whether the 815 NPA is nearing exhaust as NANPA contends, whether carriers are complying with the number conservation requirements instituted in the NRO Order, whether carriers are hoarding numbers, and how long the remaining supply of numbers can be expected to last.

4. In its NRO Order, the FCC established a nationwide framework for number conservation and pooling and placed specific requirements on carriers wanting to obtain either initial codes or growth codes. In constructing those requirements, the FCC developed a system that allows both the NANPA and state commission staffs to review carrier code use and to prevent unjustified assignments or to reclaim improperly assigned NXX codes. This review system is supported not only by the semi-annual reports, but also by certifications

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The reporting entity is also required to provide a five-year forecast of its projected need for telephone numbers. Where number pooling is in effect, service providers that participate in pooling are required to provide forecast data by thousand block. Where pooling is not in effect or the reporting entity does not participate in pooling, forecast data is provided by NXX code. The reporting entity is required to differentiate its forecast between initial numbering resources and growth numbering resources. In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, Report and Order and Further Notice of Proposed Rule Making, March 31, 2000, ¶¶ 10-84, pp. 9-36; 47 CFR §52.15

<sup>2</sup> *Id.*, ¶ Par 81, pp.35-36; 47 CFR §52.15

carriers must make to receive initial codes or growth codes and additional certifications carriers must make to maintain their use of codes. Under the FCC's NRO Order, carriers that cannot certify need under the FCC's criteria cannot receive codes,<sup>3</sup> carriers that do not make appropriate use of the codes they request are subject to reclamation procedures driven by state commissions<sup>4</sup> and carriers that do not submit their semi-annual reports are not eligible to obtain codes at all.<sup>5</sup> In effect, both NANPA and state commissions like Illinois that have opted to receive and review NANPA data are constantly monitoring carrier code use. Under the NRO Order, both NANPA and the Commission Staff have ongoing controls over any alleged carrier abuses. To date, neither NANPA nor the Commission Staff has alleged any inappropriate code requests or uses that could not be rectified by the simple administration of the NRO Order.

5. The Commission does not have authority to grant the relief requested by GCI. While the FCC granted state commissions access to the reports filed with NANPA, subject to safeguards to protect proprietary information, the FCC specifically prohibited the states from disclosing that data to any person outside the Commission. The FCC stated very clearly:

Therefore, state commissions shall have access to the disaggregated data submitted to the NANPA, and may choose to request copies directly from carriers, provided that the state commission has appropriate protections in place (which may include confidentiality agreements or designation of information as proprietary under state law) that would preclude disclosure to any entity other than the NANPA or the Commission.<sup>6</sup>

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<sup>3</sup> 47 CFR §52.15(g)(3)(IV).

<sup>4</sup> 47 CFR §52.15(i).

<sup>5</sup> 47 CFR §52.15(g)(3)(IV).

<sup>6</sup> In the Matter of Numbering Resource Optimization, CC Docket No. 99-200, Report and Order and Further Notice of Proposed Rule Making, March 31, 2000, Par 81, pp.35-36.

6. The FCC also granted state commissions access to information from NANPA regarding carrier requests for NXX codes and thousand blocks as initial or growth numbering resources. However, the FCC made this information subject to the same prohibition on disclosure to third parties as the number utilization and number forecast reports:

We will not limit a state commission's access to applications for initial or growth numbering forecasts but we require the state commissions to treat this data, as well as utilization and forecast data, as confidential.<sup>7</sup>

7. The FCC did not prohibit disclosure of this information to third parties who failed to sign nondisclosure agreements. The FCC prohibited disclosure to third parties under any circumstance. Because granting GCI's motion would be contrary to law, the motion should be denied.

8. Joint Respondents acknowledge that the Commission will be conducting hearings in the near future on whether area code relief is needed in the 815 NPA and what form of relief should be provided. Joint Respondents further acknowledge that the information provided in the number utilization and number forecast reports filed by service providers with NANPA on September 15, 2000 would be helpful to the Commission and the parties in achieving a fair conclusion to that docket. Therefore, notwithstanding the Commission's lack of authority to grant GCI's motion, Joint Respondents, in an effort to accommodate GCI and facilitate an early resolution of this docket, will agree, subject to the limitations stated below, that Staff may provide GCI with copies of Joint Respondents' September 15, 2000 reports to NANPA:

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<sup>7</sup> *Id.*, Par. 82, p. 36.

- a. The reports would be provided to Seamus Glynn and Karen Lusson at the offices of CUB, and their use would be limited in the manner described in GCI's motion.
  - b. The reports would be provided subject to the Protective Order proposed by GCI and attached to their motion.
  - c. Joint Respondents' agreement to the production of the reports to GCI would be without waiver of, and without prejudice to, Joint Respondents' ongoing contention that the Commission does not have authority to provide GCI (or any other third party) with copies of Joint Respondents' reports, absent Joint Respondents' express agreement.
  - d. Joint Respondents' agreement would be limited to the September 15, 2000 reports only. Joint Respondents expressly would not agree to the provision of these reports to GCI on an ongoing basis in the absence of a specific issue before the Commission for resolution. Joint Respondents reserve any and all rights to object to the production of any reports filed in 2001 and thereafter.
  - e. Production of Joint Respondents' reports would be in lieu of any other discovery directed to Joint Respondents for number utilization or number forecast information in the 815 NPA.
9. Joint Respondents expressly do not agree that Commission Staff should be directed to seek confidential information from NANPA regarding service provider requests for NXX codes and thousand blocks so that the information could be turned over to GCI. In addition to being prohibited by law, it is inappropriate for the Commission's independent Staff to be cast in the role of data gatherer for other parties.

WHEREFORE, Joint Respondents pray that GCI's motion be denied. In the alternative, Joint Respondents pray that any production of Joint Respondents' September 15, 2000 reports to NANPA with respect to the 815 NPA be made expressly subject to the conditions stated in paragraph 8.

Respectfully submitted:

Illinois Bell Telephone Company

By: Edward Butts  
Edward Butts

Southwestern Bell Mobile Systems,  
Inc. d/b/a Cellular One Chicago

By: Joseph Murphy by EAB  
Joseph D. Murphy

NEXTLINK Illinois, Inc. d/b/a XO  
Communications

By: Carol Pomponio by EAB  
Carol Pomponio

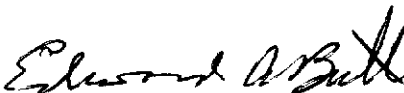
STATE OF ILLINOIS  
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NEUSTAR, INC.	)	
In its role as North American Numbering	)	
Plan Administrator	)	Docket No. 00-0475
	)	
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NOTICE OF FILING

To: Attached Service List

PLEASE TAKE NOTICE that on November 21, 2000, I filed the attached Response of Illinois Bell Telephone Company, Southwestern Bell Mobile Systems, Inc. d/b/a Cellular One-Chicago, and NEXTLINK Illinois, Inc. d/b/a XO Communications to Government and Consumer Intervenor's Motion to Obtain Access to Telephone Number Utilization Data with Donna Caton, Chief Clerk of the Illinois Commerce Commission, 527 E. Capitol Ave., P.O. Box 19280, Springfield, IL 62794-9280 by First Class mail, postage prepaid from Geneva, Illinois.

  
Edward A. Butts

Edward A. Butts P.C.  
1800 W. Hawthorne Lane, Room 102  
West Chicago, IL 60185  
Tel: 630 562-1515  
Fax: 630 562-1516  
Email: ebutts1000@aol.com

# CERTIFICATE OF SERVICE

I, Edward A. Butts, an attorney, certify that I served a copy of this Notice of Filing and the Response to which it refers on each person on the attached service list by First Class mail, postage prepaid from Geneva, Illinois, on November 21, 2000.

Edward A. Butts



SERVICE LIST IN ICC DOCKET NO. 00-475

Edward A. Butts  
Edward A. Butts P.C.  
1800 West Hawthorne Lane  
Room 102  
West Chicago, IL 60185  
Tel: 630 562-1515  
Fax: 630 562-1516  
ebutts1000@aol.com  
Attorney for Ameritech Illinois

Patricia Fleck  
Director - Regulatory  
Ameritech  
225 West Randolph Street  
Floor 29B  
Chicago, IL 60606  
Tel: 312 551-9186  
Fax: 312 727-4771  
patricia.fleck@aol.com

Mark J. Kaminski  
Assistant Attorney General  
Public Utilities Bureau  
100 West Randolph Street  
12<sup>th</sup> Floor  
Chicago, IL 60601  
Tel: 312 814-8326  
Attorney for People of the State of  
Illinois

Peter J. Long  
Manager, External Affairs  
Network  
Southwestern Bell Mobile  
Systems, Inc. d/b/a Cellular One  
Chicago  
2000 West Ameritech Center  
Drive - 3H82  
Hoffman Estates, IL 60195-5000  
Tel: 847 765-8678

Jennifer Moore  
Illinois Commerce Commission  
160 North LaSalle Street  
Suite C-800  
Chicago, IL 60601-3104

Matt C. Deering, Joseph Murphy &  
Dennis Muncy  
Meyer, Capel, A Professional  
Corporation  
306 W. Church Street  
P.O. Box 6750  
Champaign, IL 61826-6750  
Tel: 217 352-0030  
Fax: 217 352-1083  
email: mdeering@meyercapel.com  
Attorney for Southwestern Bell  
Mobile Systems, Inc. d/b/a Cellular  
One-Chicago

J. Seamus Glynn  
Citizens Utility Board  
208 South LaSalle Street 1760  
Chicago, IL 60604  
312 263-4282  
email:  
Glynn@citizensutilityboard.org

Clyde Kurlander  
Three First National Plaza, Suite  
2315  
Chicago, IL 60602  
Tel: 312 855-4476  
Fax: 312 855-4423  
Attorney for NEXTLINK Illinois

Karen L. Lusson  
349 S. Kensington Ave.  
LaGrange, IL 60525  
Tel: 708 579-9656  
email: klusson@aol.com  
Attorney for Citizens Utility Board

Carol Pomponio  
NEXTLINK Illinois  
810 Jorie Blvd., Suite 200  
Oak Brook, IL 60523  
Tel: 630 371-3357

David O. Rudd  
Director, State Government  
Relations  
625 South Second Street  
Springfield, IL 62704  
Tel: 217 744-2420  
Fax: 217 744-2421  
email: dorudd@aol.com  
Attorney for Gallitan River  
Communications LLC

Cheryl A. Tritt & Kimberly D.  
Wheeler  
Morrison & Foerster, LLP  
2000 Pennsylvania Ave., NW  
Suite 5500  
Washington, DC 20006  
Tel: 202 887-1500  
Attorney for NeuStar, Inc.

Eve Moran  
Hearing Examiner  
Illinois Commerce Commission  
160 N. LaSalle St., C-800  
Chicago, IL 60601

Tom Stanton  
Office of the General Counsel  
Illinois Commerce Commission  
Suite C-800  
160 N. LaSalle St.  
Chicago, IL 60601